IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE NINETEENTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE BILAL NAZKI

and
THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 12381 of 2004

Between:

M/s Sri Rama Krishna Traders, Machilipatnam. Krishna District.
rep by its Managing Partner K.V. Subba Rao, S/o. K. Rama Krishna Murthy,
aged 38 years

..... PETITIONER

AND

1 The Government of Andhra Pradesh, Rep by its Principal Secretary,
Secretary to Government, Revenue Department,
Secretariat Buildings, Saifabad, Hyderabad.
2 The Commercial Tax Officer, Machilipatnam, Krishna District.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction particularly in the nature of Writ of Mandamus declaring the action of the second respondent in issuing Urgent Demand Notice dt. 08-03-2004 under the provisions of the APGST Act, 1957 without implementation of the Orders of the Government in G.O.Ms. No. 950, 951 and 952 dated 10-09-2003 and without recasting or refixing the taxable turnovers and determining the liability to tax thereon for assessment year 2000-2001 as also the earlier assessment orders by implementing the orders as illegal, arbitrary and unfair, improper and opposed to the priciples of natural justice and consequently direct the second respondent herein to consider and dispose of th representation of the petiitoner dt. 12-3-2004 by appropriate proceedings determining the modified turnover liable to tax in terms of after considering or implementing the Government Orders, mentioned supra and not to initiate coercive steps for recovery of any arrears pending disposal of the Writ Petition.

Counsel for the Petitioner:MR.M.V.J.K.KUMAR, Advocate.

Counsel for the Respondent No.: GP FOR COMMERCIAL TAXES

The Court made the following :

ORDER : (Per Sri Bilal Nazki, J).

Heard learned Counsel for the parties.

During the course of hearing, it came to our notice that a representation of the petitioner is pending with the respondents. Since the representation is pending, we deem it appropriate not to entertain this Writ Petition at this stage and direct the authorities concerned to dispose of the representation after hearing the petitioner as early as possible. Till the representation is decided, coercive steps may not be taken against the petitioner.

Writ Petition is accordingly disposed of. No costs.

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(BILAL NAZKI, J)

19th July, 2004.

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(L.NARASIMHA REDDY,J)

ajr.

To

1 The Principal Secretary, Government of Andhra Pradesh, Revenue Department, Secretariat Buildings, Saifabad, Hyderabad.
2 The Commercial Tax Officer, Machilipatnam, Krishna District.
3 Two C.Cs. to the Government Pleader for Commercial Taxes, High

Court Buildings, Hyderabad (O.U.T.)

4 Two C.D. Copies.